

**LEMON GROVE CITY COUNCIL  
AGENDA ITEM SUMMARY**

**Item No.** 2

**Mtg. Date** August 5, 2014

**Dept.** Development Services Department

**Item Title:** Authorization for Placement of Property Liens

**Staff Contact:** Paolo Romero, Code Enforcement Officer

**Recommendation:**

- 1) Open a cost confirmation hearing regarding code enforcement property liens,
- 2) Close the cost confirmation hearing, and
- 3) Adopt resolutions (**Attachments B, C, and D**) approving the placement of property liens on 7636 Madison Avenue, 7572 Roosevelt Avenue, and 3315 Washington Street.

**Item Summary:**

The City of Lemon Grove Municipal Code (LGMC) Section 1.12.012 provides the authority to issue administrative citations for violations of the City municipal code. The LGMC provides for escalating fines and late payment penalties for noncompliance and eventually, property liens when the fines and penalties exceed \$2,000. The purpose of a lien is to recover the City's costs associated with the code enforcement activities. The County of San Diego Tax Assessor requires liens be filed no later than August every year in order to complete the tax rolls. This year, three properties have accumulated code enforcement fines and late payment penalty charges in amounts exceeding \$2,000 and the properties remain in violation. The properties are located at 7636 Madison Avenue, 7572 Roosevelt Avenue, and 3315 Washington Street. The staff report (**Attachment A**) describes the violations and provides a chronological summary of events.

In the event a property owner pays his/her respective fines prior to the August 5, 2014 City Council meeting, staff will pull the resolution for consideration.

**Fiscal Impact:**

If the liens are approved and recorded, the City may receive up to \$10,198.04 of recovered costs if the property owners pay the costs and achieve compliance in Fiscal Year 2015-2016; otherwise, the funds will not be available until future sale of the properties.

**Environmental Review:**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Not subject to review | <input type="checkbox"/> Negative Declaration           |
| <input type="checkbox"/> Categorical Exemption, Section   | <input type="checkbox"/> Mitigated Negative Declaration |

**Public Information:**

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> None  | <input type="checkbox"/> Newsletter article | <input type="checkbox"/> Notice to property owners within 300 ft. |
| <input checked="" type="checkbox"/> Properties Posted on July 17, 2014 |   | <input type="checkbox"/> Neighborhood meeting                     |

**Attachments:**

- |                                       |  |
|---------------------------------------|--|
| A. Staff Report                       | D. Resolution – 3315 Washington Street |
| B. Resolution – 7636 Madison Avenue   |  |
| C. Resolution – 7572 Roosevelt Avenue |  |



## LEMON GROVE CITY COUNCIL STAFF REPORT

Item No.   2  

Mtg. Date August 5, 2014

Item Title: **Authorization for Placement of Property Liens**

Staff Contact: **Paolo Romero, Code Enforcement Officer**

### **Discussion:**

The City of Lemon Grove Municipal Code (LGMC) Section 1.12.012 provides the authority to issue administrative citations for violations of the City municipal code. The LGMC provides for escalating fines and late payment penalties for noncompliance. This year, three properties have accumulated code enforcement fines and late payment penalty charges in amounts exceeding \$2,000 (minimum amount for code enforcement property lien consideration). The properties are located at 7636 Madison Avenue, 7572 Roosevelt Avenue, and 3315 Washington Street. The violations are described below.

#### ***7636 Madison Avenue***

Staff initiated this code enforcement case on January 30, 2014, after receiving complaints. The subsequent inspection of the property confirmed a violation of Uniform Administrative Code Section 203 (Non-permitted habitation of a property with no working utilities). At that time, the occupants of the property informed staff that the utilities including gas, electricity, and water had been shut off due to unpaid bills. The property owner was located in Bronxville, New York, and was issued an administrative citation warning for the non-permitted habitation of the property with no utilities. Despite the warning and on-site meetings with the property owner's son and occupants, people continue to live at the property. Staff has explained the violations and the potential for liens during telephone conversations with the property owner. The following chronology summarizes the code enforcement activities.

February 4, 2014	Administrative citation warning issued.
March 18, 2014	Re-inspection of property confirmed continued non-compliance. Administrative citation and \$100 fine issued.
April 9, 2014	Re-inspection of property confirmed continued non-compliance. Administrative citation and \$200 fine issued.
April 23, 2014	Re-inspection of property confirmed continued non-compliance. Administrative citation and \$500 fine issued.
May 8, 2014	Re-inspection of property confirmed continued non-compliance. Administrative citation and \$1,000 fine issued.

The property owner has not responded to the notice for the cost confirmation hearing at the time this staff report was prepared. Staff requests approval to place a lien on the property for the fines and late payment penalties totaling \$2,269.84.

#### ***7572 Roosevelt Avenue***

Staff initiated this code enforcement case on March 26, 2014, after receiving a complaint. The subsequent inspection of the property and a review of City building records confirmed a violation of LGMC Section 15.06.050 (Non-permitted conversion of living space into a dwelling unit) and Uniform Administrative Code Section 301 (Non-permitted construction). The second floor of the

# Attachment A

residence has been converted into a separate dwelling unit. The following chronology summarizes the code enforcement activities.

March 27, 2014	Administrative citation warning issued.
April 14, 2014	Re-inspection of property confirmed continued non-compliance. Administrative citation and \$100 fine issued.
April 28, 2014	Re-inspection of property confirmed continued non-compliance. Administrative citation and \$200 fine issued.
May 12, 2014	Re-inspection of property confirmed continued non-compliance. Administrative citation and \$500 fine issued.
May 28, 2014	Re-inspection of property confirmed continued non-compliance. Administrative citation and \$1,000 fine issued.

The property owner has not responded to the notice for the cost confirmation hearing at the time this staff report was prepared. Staff requests approval to place a lien on the property for the fines and late payment penalties totaling \$2,259.97. Staff anticipates issuing future violation notices and fines.

## ***3315 Washington Street***

Staff initiated this code enforcement case on December 22, 2008, after receiving notification from a prospective buyer that the garage had been converted. The subsequent inspection of the property and a review of City building records confirmed a violation of Uniform Administrative Code Section 301 (Non-permitted construction). An existing garage was converted to living space. After receiving the first citation warning, the property owner initially worked with staff to clear the violation. However, due to the property owner's continued non-compliance with the building code, staff began the citation process again on November 21, 2013. It is important to note the LGMC does not allow staff to continue the code enforcement fine schedule if it has been more than eighteen (18) months since the previous City notification. Staff is required to begin a "new" citation process starting with a warning. The property remains in violation. The following chronology summarizes the code enforcement activities.

December 22, 2008	Administrative citation warning issued.
November 21, 2013	Administrative citation warning issued.
December 5, 2013	Re-inspection of property confirmed continued non-compliance. Administrative citation and \$100 fine issued.
January 14, 2014	Re-inspection of property confirmed continued non-compliance. Administrative citation and \$100 fine issued.
January 28, 2014	Re-inspection of property confirmed continued non-compliance. Administrative citation and \$200 fine issued.
February 11, 2014	Re-inspection of property confirmed continued non-compliance. Administrative citation and \$500 fine issued.
March 18, 2014	Site inspection with Planning Department staff and confirmed very little progress. Corrections issued.
May 8, 2014	Re-inspection of property confirmed continued non-compliance. Administrative citation and \$1,000 fine issued.
May 27, 2014	Re-inspection of property confirmed continued non-compliance. Administrative citation and \$1,000 fine issued.

# Attachment A

June 10, 2014            Re-inspection of property confirmed continued non-compliance. Administrative citation and \$1,000 fine issued.

July 9, 2014            Property owner hired a new contractor. Site inspection conducted with Building Inspector. Corrections issued.

Staff is encouraged by the experience of the new contractor (specializes in resolving code enforcement cases) and expects compliance to be achieved within 30 days. However, staff still recommends that the City Council approve the placement of a lien on the property for the fines and late payment penalties totaling \$5,668.23 to avoid a potential year-long delay.

## ***Public Information***

Notices of the cost confirmation hearing have been mailed to the subject property owners and posted on the identified properties.

## **Conclusion:**

Staff recommends that the City Council:

1. Open a cost confirmation hearing regarding code enforcement property liens,
2. Close the cost confirmation hearing, and
3. Adopt resolutions (**Attachments B, C, and D**) approving the placement of property tax liens on 7636 Madison Avenue, 7572 Roosevelt Avenue, and 3315 Washington Street.



# Attachment B

## RESOLUTION NO. 2014 –

### **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA APPROVING THE REPORT FOR THE PLACEMENT OF A PROPERTY LIEN AND ASSESSING THE COST OF FINES WITH LATE PENALTIES AND ANY COSTS ASSOCIATED WITH FINE RECOVERY AND EFFORTS TO ABATE THE VIOLATION PURSUANT TO THE CITY OF LEMON GROVE MUNICIPAL CODE CHAPTER 1.24 AND 8.08**

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**WHEREAS**, the Code Enforcement Division of the Development Services Department works in partnership with residents and businesses of Lemon Grove to promote and maintain a safe and desirable living and working environment; and

**WHEREAS**, the City of Lemon Grove Municipal Code Section 1.12.010 provides the authority to issue administrative citations for violations of the City municipal code; and

**WHEREAS**, the purpose of the municipal code section is to encourage compliance with community standards by applying a monetary penalty for continuing violations; and

**WHEREAS**, the City follows the procedures for issuing citations and fines to ensure property owners are able to abate violations within the two week period provided between administrative citations; and

**WHEREAS**, the majority of code enforcement cases are abated in less than two weeks without issuing a fine; and

**WHEREAS**, staff attempted to work with the property owner of 7636 Madison Avenue to abate the non-permitted habitation of the property with no utilities without achieving compliance to the municipal code; and

**WHEREAS**, the result of non-compliance has been the issuance of fines, penalties for non-payment, and the accrual of administrative costs for the property at 7636 Madison Avenue; and

**WHEREAS**, the fines and late payment penalties issued to the property owner of 7636 Madison Avenue total \$2,269.84; and

**WHEREAS**, the City Council has reviewed the written report of said property lien proceedings and account of the cost thereof (**Attachment A**), as filed in the office of the City Clerk; and

**WHEREAS**, said report and account were duly set for hearing by the City Council for August 5, 2014, and notice of hearing was posted on the property July 17, 2014 and mailed to the property owner, and the City Council heard said matter on said date; and

**WHEREAS**, it is found and determined by the City Council that the report and account are true and correct and should be approved.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Lemon Grove, California hereby:

1. Approves the report set forth in **Attachment A**;
2. Directs that the cost of code enforcement fines, penalties, and administrative costs are hereby assessed as liens upon the respective property as shown on the most recent available property assessment roll of the County of San Diego; and

## Attachment B

3. Directs the City Clerk to send a certified copy of this resolution to the Tax Assessor's Office of the County of San Diego.

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## RESOLUTION NO. 2014-\_\_\_\_

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA  
APPROVING THE REPORT FOR THE PLACEMENT OF A PROPERTY LIEN AND  
ASSESSING THE COST OF FINES WITH LATE PENALTIES AND ANY COSTS  
ASSOCIATED WITH FINE RECOVERY AND EFFORTS TO ABATE THE VIOLATION  
PURSUANT TO THE CITY OF LEMON GROVE MUNICIPAL CODE CHAPTER 1.24 AND 8.08**

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**WHEREAS**, the Code Enforcement Division of the Development Services Department works in partnership with the residents and businesses of Lemon Grove to promote and maintain a safe and desirable living and working environment; and

**WHEREAS**, the City of Lemon Grove Municipal Code Section 1.12.010 provides the authority to issue administrative citations for violations of the City municipal code; and

**WHEREAS**, the purpose of the municipal code section is to encourage compliance with community standards by applying a monetary penalty for continuing violations; and

**WHEREAS**, the City follows procedures for issuing citations and fines to ensure property owners are able to abate violations within the two week period provided between administrative citations; and

**WHEREAS**, the majority of code enforcement cases are abated in less than two weeks without issuing a fine; and

**WHEREAS**, staff attempted to work with the property owner of 7572 Roosevelt Avenue to abate the non-permitted construction without achieving compliance to the municipal code; and

**WHEREAS**, the result of non-compliance has been the issuance of fines, penalties for non-payment, and the accrual of administrative costs for the property at 7572 Roosevelt Avenue; and

**WHEREAS**, the fines and late payment penalties issued to the property owner of 7572 Roosevelt Avenue total \$2,259.97; and

**WHEREAS**, the City Council has reviewed the written report of said property lien proceedings and account of the cost thereof (**Attachment A**), as filed in the office of the City Clerk; and

**WHEREAS**, said report and account were duly set for hearing by the City Council for August 5, 2014 and notice of hearing was posted on the property July 17, 2014 and mailed to the property owner, and the City Council heard said matter on said date; and

**WHEREAS**, it is found and determined by the City Council that the report and account are true and correct and should be approved.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Lemon Grove, California hereby:

1. Approves the report set forth in **Attachment A**;
2. Directs that the cost of code enforcement fines, penalties, and administrative costs are hereby assessed as liens upon the respective property as shown on the most recent available property assessment roll of the County of San Diego; and

## Attachment C

3. Directs the City Clerk to send a certified copy of this resolution to the Tax Assessor's Office of the County of San Diego.

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## RESOLUTION NO. 2014-\_\_

### **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA APPROVING THE REPORT FOR THE PLACEMENT OF A PROPERTY LIEN AND ASSESSING THE COST OF FINES WITH LATE PENALTIES AND ANY COSTS ASSOCIATED WITH FINE RECOVERY AND EFFORTS TO ABATE THE VIOLATION PURSUANT TO THE CITY OF LEMON GROVE MUNICIPAL CODE CHAPTER 1.24 AND 8.08**

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**WHEREAS**, the Code Enforcement Division of the Development Services Department works in partnership with residents and businesses of Lemon Grove to promote and maintain a safe and desirable living and working environment; and

**WHEREAS**, the City of Lemon Grove Municipal Code Section 1.12.010 provides the authority to issue administrative citations for violations of the City municipal code; and

**WHEREAS**, the purpose of the municipal code section is to encourage compliance with community standards by applying a monetary penalty for continuing violations; and

**WHEREAS**, the City follows the procedures for issuing citations and fines to ensure property owners are able to abate violations within the two week period provided between administrative citations; and

**WHEREAS**, the majority of code enforcement cases are abated in less than two weeks without issuing a fine; and

**WHEREAS**, staff attempted to work with the property owner of 3315 Washington Street to abate the non-permitted construction without achieving compliance to the municipal code; and

**WHEREAS**, the result of non-compliance has been the issuance of fines, penalties for non-payment, and the accrual of administrative costs for the property at 3315 Washington Street; and

**WHEREAS**, the fines and late payment penalties issued to the property owner of 3315 Washington Street total \$5,668.23; and

**WHEREAS**, the City Council has reviewed the written report of said property lien proceedings and account of the cost thereof (**Attachment A**), as filed in the office of the City Clerk; and

**WHEREAS**, said report and account were duly set for hearing by the City Council for August 5, 2014, and notice of hearing was posted on the property July 17, 2014 and mailed to the property owner, and the City Council heard said matter on said date; and

**WHEREAS**, it is found and determined by the City Council that the report and account are true and correct and should be approved.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Lemon Grove, California hereby:

1. Approves the report set forth in **Attachment A**;
2. Directs that the cost of code enforcement fines, penalties, and administrative costs are hereby assessed as liens upon the respective property as shown on the most recent available property assessment roll of the County of San Diego; and

## Attachment D

3. Directs the City Clerk to send a certified copy of this resolution to the Tax Assessor's Office of the County of San Diego.

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